WASHINGTON.

THE SPEAKERSHIP OF THE NEXT HOUSE. GENERAL INTEREST MANIFESTED IN THE SUBJECT-THE APPROACHING SESSION TO BE A MANUVER-ING ONE-THE VIEWS OF THE HON, FERNANDO WOOD-A PASSIVE POLICY FOR THE DEMOCRATS FAVORED-GREATER CORRUPTIONS EXISTING IN THE REPUBLICAN PARTY THAN HAVE YET BEEN UNEARTHED-MR. WOOD NOT A CANDIDATE FOR THE SPEAKERSHIP-WHAT KIND OF A MAN IS

MOST NEEDED.
[BY TELEGRAPH TO THE TRIBUNE.]

WASHINGTON, Dec. 3 .- The question of the Speakership of the next llouse, when the control of that body passes from the Republicans to the Democrats, is one which occasions more comment among the members, as they arrive here, than any other. It is coupled, of course, with a general discussion as to the policy of the incoming party, and the course to be pursued by both at the session which begins next Monday. It is conceded that the session will be a maneuvering on both sides of the House, each party striving ts avoid complications and prevent their opponents from making capital out of their mistakes. The Hon, Fernando Wood, one of the most prominent of the candidates for Speaker of the next House, says he is clearly of the opinion that the wise course for the Democrats to pursue ut the approaching session is to remain passive, and not develop or give any indication of what they will do in the future. "The triumph," said he in conversation to-day, "which we have just had is not the triumph alone of the Democracy, nor of the old principles of the party, but the success came from the corruption, the incapacity, the misgovernment of the Republicans, who are in power. The conscientious men of the party, who rebuked the general mismanagement and dishonesty by voting with the Democrats, must be retained and we can only retain the men by a just and proper course in the next Congress." He said his counsel would be in favor of a passive course this session, "for" said be, "even if the Demograts were to begin to uncover their policy and progood to in estigate the rascalities that lie on every hand in public affairs, they could never obtain the quiry and investigation ordered by him to astertain ear of the public while there was a majority in the House. Two or three years ago, when I made the chorges against Gen. Howard and the Freedman's Bank, 1 could not obtain a fair inquiry and the disgraceful facts which are now known could not be brought out; but they existed, and I knew it then as well as the public knows it now; and the worst is not yet known. So it is just as well to wait until we have the new House. The wise course for us this session is to oppose large appropriations, and to avoid special or class legislation, which will be sought this Winter with uncommon zeal. We must also try to prevent the Departments from bringing in large deficiency bills to the XLIVth Congress, for in that case they would be charged to us. Yet there are two sides to this ques-

When asked how he expected to retain those who had left the Republican party at the late elections. he said he expected to do it by showing them that the party was no longer fit for them, and that its demoralization had not yet begun. "The people little dream of the frauds and rascality of the party. Thus far, the surface has only been scraped. Plow deep and such a bed of official corruption will be exposed as will forever sweep the Republican party from a place of honorable mention. When the transactions of the party will be nothing left of it; its very name will be a disgrace." He was asked if he knew this. "Yes," said he, "I know more. In at least three Departments of this Government there have been transactions compared with which those of a dishonorable nature hitherto discovered are but as the stories of Mother Goose," He declined to name the departments, but he said he knew the people would be prepared for the great contest of 1873. "The people are honest, and they only want to be convinced that their officers are dishonest and their party cor-

Mr. Wood seemed rather loth to talk on the subpet of the Speakership, especially with reference to the Treasury to-day and urged both, in their comm name had received very favorable mention from various sources, and that there was a great interest felt in the subject. He said there had been a large number of names mentioned in connection with understood that he was not a candidate. Still, he by no means intimated that he would not accept. He said that there are few who see the importance of the next Speakership, and it is too great to be made a matter of contest between men. With the next Speaker," he said, " rests the sucbe clear-headed, of dignified deportment, with a ready tengue, and a full knowledge of the But much more will be necessary in the XLIVth Congress. The whole party will be upen him. The appointment of Committees will be a most difficult task. But with the next Speaker must also rest the responsibility of directing legislation in the House. He will be the head of the party, and if he is watchful, and able, and wise, he may prevent injudicious legislation, or, at least, the passage of unwise bills, and he may also conduct the party into right paths, and by indement and tact strengthen it and lay bare the defects and wrong-doings of the opposition. What is necessary is to find such a man. It should not be a matter of competition; it should not be a question of locality. The compass in such a case should be broken. "I do not care," he continued, "what the antecedents of a candidate may be. It is too large a question to bare on mere personality. find a man who is equal to the task and put him at it. I don't care whether such a man drinks whish; plays poker, or pocaca man pay. If he can take the party through the next Congress and can keep down the opposition by developing all their misdeeds and keep the standard of his own party high, he will have my support most heartily, whether he be from the East, the West, the North, or the South.

He spoke in terms of the highest praise of Mr. Kerr of Indiana, and of other gentlemen whose names have been mentioned. Referring, in answer to a suggestion relative to the people of the South and to their sufferings, he said he had always been the friend of the South, both before and since the war; but he never sympathized with these to the extent of being willing for them to have the Union. The time was at hand then the Southern people must be recognized. They have suffered long, and the time for crying "bloody shirt" was past. He thought the success of the Democrats in the House would do away with the ery of Southern outrages, and would encourage the people to renewed prosperity. He said he had rebeople to renewed prosperity. He said he had re-ceived many letters from friends in various parts of of the country encouraging his candidacy, and members of the new House had piedged their sup-port "unasked," he said, "for I have never acknowl-added myself a candidate." edged myself a candidate."

CURRENT TOPICS AT THE CAPITAL. PROPOSED CHANGES IN THE TREASURY.

Washington, Thursday, Dec. 3, 1874. Changes in the Treasury on account of incompeten or from other causes seem likely to continue. It is reported that the next officer who will be asked to step ont is L. R. Tuttle, Assistant Treasurer of the United States and Acting Treasurer whenever Spinner is absent. Mr. Tuttle is the gentleman who locked the Field Gold Medal in his private safe for safety, and pobody has been able to find it for several years, during which time its disappearance was a matter of repeated and almost universal comment in the

preca. Mr. Field demanded his medal, but nobody knew

where it was. The subject was referred to in almost every paper in the country. Finally, it was taken every paper in the country. Finally, it was taken up and discussed in Congress. President Johnson was asked about it. He had, after inspecting it, sent it back to the Treasury. Secretary McCallach remembered barving seen it subsequently, but he could not tell what become of it. At last, weary of the scarch, Congress voted Mr. Field another medal, and it was struck at the Mint and delivered. A year or two afterward, in looking through his safe, Mr. Tattle fell across this immense gold medal, a copy of which Mr. Field had received. He was puzzled, and bore the prize to Gen. Spinner and innocently asked what should be done with it. Mr. Spinner could only express his feelings in his usual manner, and advised Mr. Tuttle to read the newspapers. He said he had never heard that the medal was loss and that Congress had provided a new one. The medal was subsequently purchased by Mr. Field, at its cost, and he has now the original and the copy.

VACANT JUDGSHIPS.

The fact that Judge Dureit of Louisiana has tendered his resignation was announced by that gentleman in a letter received by the Attorney General to-day, but the resignation itself is not yet at hand. This vacancy makes the third in the United States judgeships, the others having been occasioned by the resignations of Busteed of Alabama and Story of Arkansas. The retirement of Durell was wholly unexpected by the Goverament, but the fears of impenchment at the approaching session, no doubt drove him to the The Administration exhausted every effort last Winter and Spring to obtain the desired result, but in vain. His friends were even given to understand that he would be appointed to a foreign office if he would resign his Judgeship. This he rejused to do, and sent friends to Washington to defeat the Judiciary Committee in their proceedings toward impeachment. His successor, of course, will not be named for several days. Among those prominently named for the Alabama vacancy are ex-Gov. Lewis, ex-Gov. Parsons, Chancellor Turner, Levis, ex-tiev. Farsons, Chancellor Turner, and Peter Hamilton. The Attorney-General seems to favor the latter gentleman, and there is no donot that he would be appointed but for the reason that he is a Democrat. There are no candidates for the Arkansas vacancy, and the question as to whether an appointment to that place shall be made is still an open one. The business is being attracting done by Judge Caldwell of the Eastern District.

No action yet has been taken on the report of the special agents recommending the consolidation of the Brooklyn Post-Office with that of New-York City. The Postmasier-General says: This recommendation comes to him in recular course of the general inwhere unnecessary expenses can be cut off in all parts of the country, and it is his purpose to allow full discussion of the subject by all parties interested prior to taking action. The plan of concentration of responsibility and the replacement of suburban offices by branch offices is

Gov. Jewell says his effort to procure increased mail ence at present only to making arrangements to send a closed pouch mail daily on the 1 p. m. train from Washington to New-York. This train from Washington to New-1073. This new mail is proposed by the Postmoster-General with a view mainly to benefit the New York and Pulladelphia newspapers, as it would enable their correspondents to prepare and forward matter into 11239 p. in. for publication in the next morning's papers without trans-

mission by telegraph.

The House Committee on Appropriations has decided to add 26 to the number of clerks now employed in the Pension Office. The average number of cases, including original applications, applications for an increase of pension, &c., which acquaily come before the Pension Office, has been for several years nearly 20,000. By legislation passed at the last session of Congress the number of cases was increased by about the number of cases was increased by about 47,500, while no corresponding increase of force was provided for. For the first time since the breaking on of the war the annual report of the Commissioner shows a reduction of the number of names on the pension rolls, the decrease being more than 2,500; but the amount paid out for pensions hast year, owing to the generous regishation of Congress, was greater than ever before.

REPORT OF THE SECRETARY OF THE NAVY. The report of the Secretary of the Navy was finished to-day and sent to the printer. It shows somewhat increased estimates over last year, but the Secretary refers with pride to the improvement in the availability and strength of that branch of the service since his last report. He refers to the present activity in the various Yards, and strongly recommends the necessity of still further increasing and strongthening the navy. Contrary to report, he does not recommend the discentinuance of the Marine Corps.

EFFORT TO INFLUENCE THE PRESIDENT AND SECRETARY OF THE TREASURY. of Congress called on the President and Secretary of himself. He was reminded of the fact that his cations to Congress on Monday, not to be defluite in speaking of the financial question, especially as to specie payment; but if they were to speak of hard

money, it was urged that they do so in a general way, leaving Congress to take its own course. They thought it better for the party not to definite. The report is, that they were given to stand that the views of the President and his So were settled, and that no advice would be received. TWO NEW PAINTINGS IN THE CAPITOL. Two paintings by the artist Bierstadt were placed to tay on the walls on the south side of the Hall of Representatives. Arrangements were made with Mr. Bier stadt for these pictures by the Library Committee,

when Mr. Creswell was in the Senate seven or eight years ago and was Chairman of that Committee. One

THE ALABAMA CLAIMS COMMISSION. The Court of Commissioners of the Alabama Claims reassembled to-day. All were present except Ryerson, who is detained at home by lilness. The calender was called in order to ascertain the condition of each case, and several demurers will be of each case, and several demurers will be argued to-morrow. No case is yet ready to be tried on the testimony. Several new rules were proposed by counsel affecting the sufficiency of evidence, and are now open for argument. Another point to be determined as, whether a British subject serving as a second on board of a captured vessel is entitled to indemnity.

THE ARKANSAS CONTROVERSY. Several members of the Brooks party in the Arkauss several memoris of the Brooks party in the Arkodysas controversy arrived here to-night for the purpose of pre-senting their case to Congress, and urging a decision as to the validity of the new Constitution.

THE GOVERNMENT OF QUEBEC.

OPENING OF THE LEGISLATURE-SPEECH OF THE LIEUTENANT-GOVERNOR-PROSPECT OF A NEW MINISTRY.

QUEBEC, Dec. 3 .- The Quebec Legislature assembled to-day with the customary ceremonies. To Lieutenant-Governor in his speech said that since the last session he had found it incumbent upon him to accept the resignation of members of the Administration, and to intrust a new Ministry with ministration, and to intrust a new Ministry with the direction of the affairs of the Province.

"The liberal policy adopted by you with regard to railroads has produced encouraging results, and it is the intention of the Government to continue that policy in so far as the finances of the Province and the rules of prudence will permit."

"The return of a large number of our fellow-countrymen, and the dealre evinced by a stul greater number to follow their example, will assuredly be for you a subject of rejoicing, and I have no doubt that you will give your best attention to the measure submitted to you, with the object of assisting such a return of your countrymen, as also of favoring such wholesome immigration as may come to us from Europe."

MONTIEAL Det, 3.—A rusor has been affoat for the

MONTREAL, Dec. 3 .- A rumor has been affoat for the past few days of a combination effected to unseat the Quebec Ministry and form a coalition. One of the carefully drawn up programmes of the new ministry is as follows: For Provincial Secretary and Premier, the Hon-tollows: For Provincial Secretary and Premier, the Hon-In Starps, Attorney-General, Hon. Geo. Irving or W.

TWO MURDERERS SENTENCED TO DEATH.

The jury in the case of Elbert Jackson, charged with the murder of Samuel J. Jones, were out 14 hours yesterday, and returned a verdict of guilty of murder in the first degree. Judge Armstrong immediately sentenced Jarvis and Jackson, who was convicted yesterday, to be hanged on the 15th day of January, betwenn the hours of 10 and 3.

SERIOUS CHARGE AGAINST A CLERGYMAN. PHILADELPHIA, Dec. 3. - The Rev. Thomas Cooper, paster of the Free Congregational Caurch in Frankfort to-day, noswered to a captus issued by the

answer to the charge of felonous assault and battery upon Flora May Peters, aged 18 years, also of Frankford. The charge was made by the father of the girl. The suit is a civil one, damages being fixed at \$10,000. The members of Mr. Cooper's church believe him to be innocent.

GENERAL POLITICAL NEWS.

DEMOCRATIC CELEBRATION IN PHILADEL. PHIA.

A BANQUET COMMEMORATIVE OF THE RECENT VIC-TORIES-PATRIOTIC TOASTS AND SPEECHES-THE HON. SAMUEL J. RANDALL FORESHADOWS THE POLICY OF THE PARTY IN THE FUTURE.

FROM THE REGULAR CORRESPONDENT OF THE TRIBUNE. PHILADELPHIA, Dec. 3. - A banquet commemorative of the recent Democratic victories was held at the Continental Hotel in this city this evening. About 150 guests sat down at the table. Nearly all were Phila-delphians. Among the few politicians present of more than local celebrity were Congressman Swann of Mary land, Gen. Cass of Pittsburgh, John Millen, Chairman of the Democratic State Central Committee, and Congress-man Randall. The Hon. Richard Vaux of Philadelphia presided. The dining-room was handsomely decorated with the National colors and with blue banners inscribed with the names of the several States. The teasts

were carefully prepared, and present, pretty thoroughly and concisely, the sentiments which animate the Democracy of Pennsylvania. They were as follows:

1. The Democratic party—its aims and efforts are for the weifare of the whole people; its antagonists are class and special privileges, for the benefit of the few, while the corruptions, usurpations and abuses of the radical party, are without parallel since the government was declared to derive all its just powers from the consent of the governed.

2. The Federal Constitution—A grant by sovereign States to form a more perfect union of the grantors.

3. The Federal Union—Made by concession; indissoluble by secession; unalterable by aggression.

4. The Federal Government—The agent of the people of the States, anyrene only within the constitutional limitations on its authority.

5. Our stater States—A political constellation in which no star differeth from another star in giory.

6. The State of Pennsylvania—The arch is secure only while the keystone remains flixed in its relations to the structure.

7. The ballot box—The last fortress to which civil lib.

while the keystone remains fixed in its relations to the structure.

7. The ballot box—The last fortress to which civil liberty may retreat for peaceful defense, when driven by lawless power from every other citadel.

8. The recent victories of the people—The peaceful triumph of the citizens at the ballot box, where opinions exert the force and power of revolution.

2.2. The civil power—The subjection of the military to the civil power is essential to the preservation of constitutional government.

10. The traditions of the people—The third term violates them and insulistic memory of the fathers.

11. Liberty and law—Lib rty must be regulated by laws, but unchecked violations of organic law destroy liberty.

12. A free press-Other liberties have been held

Speeches were made by Richard Vaux, William H. Witte, G. M. Dallas, Wm. S. Price, Geo. W. Cass, Samuel J. Randall, Wm. McCandless, Farman Sheppard, and others. The speech which had the most national politi-

J. Randall, Wm. McCandless, Farman Sheppard, and others. The speech which had the most national political significance was that of Congressman Randall, of which the conclusion was as follows:

The first fruits of this triumph have been realized in the perfect order since maintained in every Southern State, and the bringing up of a better feeling between the two rices than has existed since the close of the war. The white man begins to feel secure a his theety of person and conscience, while the colored man realizes the fact that nonesty and lutchigence in their fulcies, best secure to them, permanently, the results of the benocratic party by the large body of keepingtons who assisted so materials in producing the result we are here to utight to calcitrate; and let me add that I do not believe the confidence reposed will be in any way agnised. It would be wrong in me to interpate what will be the policy of the House of E-presentatives of the XLIVin Congress, and set of the generalized of the XLIVin Congress, and set of one taking I feet certain, and that is, that moderation will be its purpose and that is, that moderation will be its purpose and the raile of action. We shall, when the triumph is made complete, with a Lemocratic Senate and a homocratic President, take up the Government as we may find it, permitting all the results of the way to remain andisturbed, seeking only to administer with honesty and B leity, according to the Canaditation and the laws enarthed thereinder. By such a course I believe Prunsylvania will remain firm in the column of Democratic States. The people have grown weary of misgovernment and maindministration, and they refuse longer submission. I believe the party will prove fully equal to the duty assigned, and limit the advent of a Democratic administration will make the advent of a Democratic administration will the fall measure o

HE CONGRESSIONAL VOTE OF SOUTH CARC

LINA The Congressional Districts of South Caroina have been rearranged since 1872 to make an additional district, but in the subjoined table the vote of the new districts. In 1872 the delegation contained four nembers, all Republicans; this year four Republicans and one Independent were elected, an Independent gain of one member. The Independent vote this year a 42,572 greater than in 1872, while the Republican increase is only 3,175. The Republican majority in the

erease is only 3,175. The Republican majority in the State is also greatly reduced, being 39,397 less than in 1872. In the Hild District L. C. Carpenter (Rep.) was elected without opposition to fill the vacancy in the XLHIId Congress, caused by the resignation of Robert B. Ednott (Rep.) The official vote is as follows:

Dist. Members Elect. Lib. Adm. Inst. Rep. Moj. L. J.I.H. Rainev (Col.) — 14,894 1,363 14,379 887 R. II. E. W. M. Mackey, 4,519 15,151 16,742 14,294 2,538 L. III. Salomon L. Huge. 3,653 16,387 12,873 16,631 3,358 R. V. "Alex S. Wallace. 2,665 16,719 4,461 17,752 13,291 R. V. R. Smalis (Col.) — 2,656 16,719 4,461 17,752 13,291 R.

Majoritics..... 56,512 17,115

CONTESTED CONGRESSIONAL ELECTION. MILWAUKEE, Dec. 3 .- Arguments were heard efore the State Board of Canvassers to-day on the should be given to McDill (Rep.) or to Cote

should be given to McDill (Rep.) or to Cote (Dern.). in the ViIIth District. The former received a majority of the votes east in the District; but the county canvassers of Wood County have not returned the vote of ten precincts on account of alleged informalities. This vote being omitted Cate had a majority of 2. After listening to arguments, the State Convention decided that they would award the certificate according to the returns received by them. Connael for McGill will apply to the supreme Court to-morrow for a mandamus.

RAILWAY FREIGHTS.

PRESIDENT GARRETT'S VIEWS ON THE ACTION OF THE RAILWAY COMMISSIONERS REGARDING EAST-WARD-BOUND FREIGHTS-THE BALTIMORE AND

OHIO ROAD NOT AFFECTED. BALTIMORE, Dec. 3 .- The attention of Mr. hn W. Garrett, President of the Baltimore and Ohio Railroad Company, was to-day called to the action of the Board of Railway Commissioners at Cincinnati yes-terday, when it was decided that mileage on eastwardbound freight, between common points, should be calcu lated by the shortest routes and the rates made accord-He explained that his action would have no effect upon the freight rates of the Bultimere and Ohio Comupon the freight rates of the Baltimore and Ohio Company. Its new line to Chicago, giving it the shortest route between that Sity and the seaboard would always obtain for it the advantage in competition with the other truck lines. A combination among them might have the effect of forcing a reduction of rates on all the roads, but in this event the Baltimore and Ohio, because of its shorter line, can charge the same mileage as the others, and still maintain the disproportion in rates that how exists in its favor. He believes, however, that the most likely effect of a communation among the other roads will be in its favor. He believes, however, that the most likely effect of a combination among the other roads will be to add to the carrying business of his own. Mr. Garrett looks upon the determination of the Western roads to cease issuing free passes after Jan. 1, announce of at the meeting in Chicago pesterday, as very timely. He seems to think, also, that the extent to which the free-pass system has been carried on the Eastern roads has grown into a nuisance which might well be abated.

COLORED CHILDREN EJECTED FROM AN INDIANA SCHOOL.

INDIANAPOLIS, Dec. 3 .- Brazil, Clay County, about 50 miles west of here, is in a fever of excitement over the practical application of the recent decision of the Supreme Court regarding colored children in the schools. Thirty-five colored children have been ejected from the public schools there by order of the lecal from the public schools there by order of the least trustees, and against the earnest protestations of the School Superintendent. Many of the culturen cried bit-terly when informed that they must leave, and begged to be allowed to remain, but the trustees insisted that they must leave, and they were so informed by their teachers. The Board of Trustees consists of three mem-bers, one of whom is a Democrat and two are Republi-

THE LOUISIANA TROUBLES.

KELLOGG'S FORLORN HOPE.

NEW-YORK, FRIDAY, DECEMBER 4, 1874.

AN EFFORT TO BE MADE TO SECURE THE PASSAGE OF A JOINT RESOLUTION BY CONGRESS RECOG-NIZING THE KELLOGG GOVERNMENT IN LOUIS-IANA-PLANS FOR PUTTING KELLOGG OUT OF THE WAY-BELLEF THAT THE PRESIDENT WILL NOT INTERPERE IF THE COUP D'ETAT IS A PEACEABLE ONE.

[BY TELEGRAPH TO THE TRIBUNE.]

WASHINGTON, Dec. 3.-The object of Kellogg and his friends from Louisiana in coming to Washington at this time is to secure, before the holiday re cess, the passage of a joint resolution by both Houses of Congress recognizing the Kellogg Government in the State. This seems to be the last card that Kellogg can play. If he fails in this, his friends acknowledge that he will be powerless to maintain himself. After the meeting of the Legislature, that body will be Conservative in both branches, and if they do not take advantage of the power that has been placed in the hands of a Legislative majority in that State by acts passed by the Radicals, they will be more than human. One of those acts gives to the majority the power to impeach a Governor, and to depose him until after his trial. In this way Kellogg could be put out of the way at once. Another plan, and one that is more likely to be adopted, as to provide for a legal count of the returns of 1872, which are still in the possession of the McEnery party, and the inaugura tion of Gov. McEnery and Lieut.-Gov. Penn; The Legislature would then receive a message from McEnery, and entirely ignore Kellogg. It is not believed that the President would interfere to sustain Kellogg under these circumstances, if these events occurr while Congress is in session and the coup d'état is a peaccable one. The only hope, therefore, which Keilogz has, is in such a recognition by Congress before the meeting of the Legislature as shall force the President to aphold him by the use of the army, in opposition to any power that may be brought against him. For this purpose Senator Morton is now on his way to Washington from San Francisco, having left the springs at Santa Barbara, where his health was rapidly improving, and where he intended to remain all Winter. If this question is raised before the holidays in either or both houses of Congress, it will be a most exciting topic of discussion, and will not be settled without a long and sharp debate. The action Kellogg asks Congress to take is of a most revolutionary character, and would result in producing a worse state of anarchy in Louisiana than has existed there since 1872. The country would witness the anomaly of interference by the Federal Government to render null the acts of a State Legislature of whose legality there is no question, when those acts relate solely to local matters.

RESIGNATION OF JUDGE DURELL. HE CLAIMS TO HAVE BEEN MADE THE SCAPEGOAT OF

MORTON, CARPENTER AND BUTLER-HIS CHIEF OFFENSE THE ENFORCEMENT OF A BAD LAW.

The report was circulated in this city yesterday that Judge E. H. Durell of the United States Dis triet Court of Louisiana had resigned his office. In conjunction with this report the statement was made that he was very ill, and unable to perform his duties. As Judge Durell is now in New-York, a confirmation of the report was sought from him personally. He was found writing in his room at the Astor House in company with E. E. Norton, who with his family has just come from New-Orleans to join his old friend. Instead of appearing ill, as reported, Judge Durell seemed in excellent health but depressed in spirits, if his generally quiet and reserved manner varied occasionally in conversation by brief bursts of indignation can be accepted as indicative of his mental condition. He has only lately recovered his bodily vigor, however.

On being asked if the report of his resignation were true, Judge Duroll furnished the reporter a

ASTOR HOUSE, NEW YORK, Dec. 1, 1974. To the President of the United States of America. Fir: I hereby and from this date, resign the office Louisiana. Respectfully, your obedient servant,

E. H. DURELL. In answer to inquiries of the reporter of Tur TRIBUNE, Judge Durell at first declined to make any statement as to the causes which had led to his resignation, saying only that it had been done against the advice of his friends, without suggestion from any person whatever, official or other wise, and solely to escape, if possible, the fearfu load of calumny which had been heaped upon him in consequence of his action in enforcing, as District Judge in Louisiana, an obnoxious law which he knew to be a bad one, passed for political pur-

poses by a Republican Congress seeking to per petuate the Republican party.

When asked to explain the meaning of this language, Judge Dureil said that the offense which had

brought him most trouble had been in the literal construction of the Enforcement act. He had never been a politician, was a Democrat when appointed by Mr. Lincoln in 1862, and since he had been on the bench had carefully eschewed politics. He had no taste for political intrigue, and was too old to longer entertain political aspirations. The Enforcement act, which he again and again denounced as a bad one, was passed by Congress solely to control the Southern elections: it was a political scheme only. But it came to him a law of the land, as binding as the oldest on the statute-book and he had no alternative but to obey it. He had honestly and justly construed the law; he did not claim that his judgment was infallible, but he believed that in this whole matter it had been correct. He had, in the enforcement of that law, issued sev eral orders for the taking of testimony of several thousand negroes who claimed that they had been refused registration and denied the right to vote. The Enforcement act required him to take the oath of any person that he had been obstructed in his rights of voting as conclusive proof of the allegation and to count the vote of that person for the candidate he named no alternative was allowed him by the law. When he had reason to think this evidence, which had been deposited in Mechanics' Hall, was in danger of destruction, he ordered it to be secured and made part of the records of his court. The order was never obeyed; the representatives of both parties rushed from his court on his announcing his de cision, and immediately a shower of abuse was soured upon his head by the defeated party. He would have cared little for this abuse of the one side, but both parties were dissatisfied. The enforcement of the law in the case of Louisiana had exposed the true meaning of the act and prematurely betrayed the designs of the Republicans. The act was exposed in all its hideousness; and its unpopularity at the South, where its purpose and operations were understood, extended to the North. The Louisiana election revealed to the people of the North the true state of the case, the political machinery concealed in the act. Instantly the men in Congress who had framed it-Butler, Carpenter, Morton, and the restbegan to cry, each for himself, " It was not I," who could not repudiate the responsibility for its passage started the story that Judge Durelt had misconstrued the law and overstepped his authority. It was this class who in Congress had passed the act who now cried, "Crucify bim," "Crucify him," and who sought by destroying the judge who had honestly enforced the law to copecal their own dishonesty in passing it. They simply made a cover of him to effect their own retreat after a political blunder. The Judge added that they have failed to save themselves, though

would yet form an important political issue and carry down the men who had framed it.

The statements above are not in the precise language of Judge Durell-indeed both he and Mr. Norton engaged at the same time in the conversation-but they represent fairly his view of his own case. Mr. Norton was formerly a practicing lawyer in this city, at one time in the State Legislature, and figures in one of Thurlow Weed's published reminiscences as the "Black Hawk lawyer." Both he and Judge Durell propose engaging in the practice of law in this city.

No notice of the acceptance of the resignation had been received. Judge Durell thought it would be accepted without delay, and the contemplated proceedings against him in Congress he did not think would affect the President or cause him to refuse the acceptance of the resignation. He did not, in fact, see how the President could refuse to ac-

FOREIGN NEWS.

MESSAGE OF PRESIDENT MACMAHON.

RDER MAINTAINED THROUGHOUT FRANCE - IM-PROVED FINANCIAL CONDITION-NECESSITY OF LEGISLATION ON THE CONSTITUTIONAL POWERS OF THE GOVERNMENT.

Paris, Thursday, Dec. 3, 1874. The message of President MacMahon was deliv-

ered to the Assembly this afternoon. The President says order has been maintained throughout the country. The relations with foreign governments are on an excellent footing. France has shown a firm determination to respect treaties, and has gained the increased confidence of her neighbors. No foreign power no doubts her desire to maintain peaceful relations with all nations. The financial position of the country has sensibly improved. At home, thanks to a good harvest, agricultural production has reached an unprecedented figure. The export trade has never been so large as during the last four months. Everything now favors the expectation that these most satisfactory results will be at least equaled in 1876. The President insists strongly on the necessity of definite legislation with regard to the constitutional powers, and continues as follows: Incessantly agitated by a propaganda of the most per-

measures of wise foresight, the regular action of the promised France. You will shortly examine these grave at. I shall not decline any share of the responsibility ng. I wish to state how I understand my duties toward the Assembly and the country. I did not accept power work of social defense and national restoration. It is my ardent desire to have the support of men of good will-those whose personal preferences bow before the present necessities of the sucred cause of country. I claim their support in the name of France, whose welface and greatness I have alone in view. Nothing will discourage me in the accomplishment of the task. It is my duty not to desert the post in which you have placed ne-to occupy it up to the last day with unshaken firmuess and scrupulous respect for law.

nicious doctrines, the country asks you to guarantee, by

The Radical Republican journal, La République Franguise, says the greatest confusion exists among the various parties in the Assembly. Both the Right and Left onsider dissolution imminent.

La Fornce believes that the idea of a renewal of the Assembly by successive partial elections is gaining ground, and adds that a motion to that effect will shortly be introduced in the Chamber.

THE CARLIST WAR.

MARSHAL SERRANO TO LEAVE FOR THE NORTH ON SATURDAY-UNSUCCESSFUL ATTEMPTS OF CAR-LISTS TO ENTER THE PROVINCE OF MURCIA. MADRID, Thursday, Dec. 3, 1874.

Marshal Serrano will leave this city on Saturday next for the North, where he goes for the purpose of directing military operations. In the selection of his staff particular pains were taken that no one should be placed on it who is suspected of being a supporter of Don Alfonso, the son of the ex-Queen Isabella. The Carlist leaders Vetasco and Cucula have unsuccessfully attempted to enter the Province of Murcia with their bands.

THE ARGENTINE INSURRECTION. ANOTHER REPORT THAT PEACE HAS BEEN CON-

CLUDED. Banta, Brazil, Wednesday, Dec. 2, 1874. Intelligence has been received here of the concludon of peace between the Argentine Government

have been granted amnesty. THE BRITISH POLAR EXPEDITION.

TARE NAMES OF THE CHAILENGER TO BE IN COM-MAND. LONDON, Taursday, Dec. 3, 1874.

Capt. George S. Nares, now in command of the step Challenger, has been selected to command the expedition to be fitted out by Great Britain for explorations in the Arctic regions.

THE DIRECT ATLANTIC CABLE. THE FARADAY AND AMBASSADOR SPOKEN. LONDON, Thursday, Dec. 3, 1874.

The steamer Viking spoke the Direct Cable Company's steamers Paraday and Ambassador on the 26th of November in lat. 42° North, long, 44° West. Al

THE SPANISH INDEMNITY TO GREAT BRITAIN.

Washington, Dec. 3 .- It is known in diplomatic circles that Spain has paid to Great Britain only a part of the indomnity on account of the Virginius affair. eaving the remainder and other questions to be here-

REVOLUTION IN URUGUAY. Banta, Brazil, Wednesday, Drc. 2, 1874. It is reported that a serious revolution has roken out in the Republic of Uruguay.

FOREIGN NOTES.

HAVANA, Dec. 3 .- It has been decided to lay new cable from Holland Bay, Jamaica, to Cientargos. WASHINGTON, Dec. 3 .- The Interior Departnent has received through the Secretary of State a tele gram from the Spanish Government announcing that Spain has appointed a Board of Commissioners, with S-for Castelar as its President, to represent that coun-try at our Centennial Exciption.

London, Dec. 3 .- Queen Victoria gave autience at Windsor Casile to-day to a deputation of civisens of France, who presented to her four volumes of zens of France, who presented to her four volumes of addresses, thanking the people of Great Britain for their services to the sick and wounded during the late war. The Queen replied that the recognition of and services could not full to increase the friendly and cordial feeling between the two nations.

London, Dec. 3 .- About 365 of the passengers of the steamship Abbotsford, who left that ressel for Liverpool before it was discovered she had smallpox on board, embarked on the American line steampox on board, embarated of the American me stems ship Himos for Pailadelphia, but their final medical ex-amination proving misalisfactory, they were arous landed, and are now temporary in the Liverpool Work-house. The Himos will proceed without stoerage pas-

Dr. Döllinger recently, in speaking of the Vatican decrees, said: "People do not know what was decreed at the Vatican conneils. People do not know that the Pope has been made paramount, and immediate superior to every Catholic clergyman and layman; that it has been declared the duty of conscience of every Catholic, not only of the clergy, as is generally supposed by Protestants and many Cataolies even, to over Pope's orders without judgment, blindly, un-reservedly. By the new decree it is the duty reservedly. By the new decree it is the date of every layman, whenever it is intimated to him that this or that question one been decided by the Pope, to show. When the Pope orders a men is vote in a specified manner, he is obliged, even in his capacity as a member of Parliament, to obey. That was never small before. It is a new situation since 1870. Mr. Gindstone brings this tenth out in his paniphlet. He saws that the civil elections of every Catholic country are now quite uncertain, because they depend entirely upon the will of a foreign potentiale. This is the side of the question which ought to be studied in the United States too." PRICE FOUR CENTS.

THE SUIT AGAINST MOULTON.

THE JURISDICTION OF THE COURT QUES-TIONED.

MISS PROCTOR'S COUNSEL READY TO PROCEED WITH THE CIVIL SUIT-MR. MOULTON'S COUNSEL NOT PREPARED-ARGUMENT ON A TECHNICAL POINT OF JURISDICTION - THE CASE POSTPONED A

The libel suit brought by Miss Proctor against Francis D. Moulton was called yesterday, before Judge Woodruff, in the United States Court, Brooklyn. The jurisdiction of the Court was denied by the defense on the ground that nowhere, in the complaint did it appear that the plaintiff was a citizen of another State. Counsel for the plaintiff held that an assertion of residence implied citizenship. The Court decided that it had jurisdiction. The defense claimed to have relied on this alleged error for a postponement, and being unprepared for trial produced affidavits on which an adjournment was asked. Counsel for the plaintiff offered to amend the complaint by changing the word "resident" to "citizen." The defense insisted that the Court had no jurisdiction in the case-not even to amend. The case will be called next Wednesday.

THE PROCEEDINGS.

The announcement that the libel suit brought by Miss Proctor against Francis D. Moulton was on the calendar of the United States Court in Brooklyn, drew a crowd yesterday to the court building at Montague and Chinton-sts., long before the hour of trial. When the doors were opened, it was hardly a characteristic ble. Merchants who had, hurried around the corner from their stores in Fulton-st. were there, and there were many young cierks. Judge Woodruff was the presiding judge, Judge Benedict having urged that he himself was incapacitated for duty on the bench by his acquaintance with the plaintiff. Ten ladies, who were the witnesses or friends of Miss Proctor, were the first to take seats within the bar. Then came lawyers who had to respond to the earlier cases on the calendar. Mr. Moulton appeared, with Mr. Titon at his elbow, and ex-Judge William Fullerton followed them. Gen. Butler is associated with Mr. Fullerton in the conduct of the case, but did not appear. Mr. Tilton and Mr. Moulon took scats at a table, one on each side of the lawyer. They did not say a dozen words during the proceedings. They were the objective point of sharp sidelong glances, indicative of some curiosity and a good deal of aver-sion, from the ten latter ranged in chairs in a straight ine along the wall. Then came Miss Proctor with Gen. Tracy and Judge Joshua M. Van Cott. These gentlemen

are her counsel in the case.

Promptly at 11 o'clock Judge Woodward began calling the cases on the jury calendar. Four minor cases were quickly disposed of, and, as the fifth, the Judge called Edna Dean Proctor agt. Francis D. Mouiton, for

Gen. Tracy-Ready for the plaintiff.

A QUESTION OF JURISDICTION RAISED Ex Judge Fullerton-If your Honor please, I appear only for the purpose of raising a question of jurisdiction, denying that this court has any jurisdiction in this case

It does not appear that she is not a citizen of this State The Court-I cannot hear any such question as that ere. It is a question of fact only that I am here to

Ex-Judge Fullerton-I beg your Honor's pardon, but I believe it has been the custom to consider such an appli-cation as mine. I supposed a question of juri-diction your Honor's time if the question were considered. The Court-This is no time to consider it.

Ex Judge Pullerton-The papers do not say that the parties are entitled to come here. I have relied upon this question of jurisdiction entirely, and have made no other preparation at all. In looking through the books I found that a question has been frequently raised, and supposed that course would be taken in this instance. when not raised on the trial.

The Court-Is the case to go on or not ! THE DEFENSE NOT PREPARED.

Ex-Judge Fullerton-Well, I ain not prepared. Gen. Tracy-We are ready. The Court-Well, it must take its course.

Ex-Judge Fullerten-I am not prepared. Will your Honor hear an application to put the case off f I cannot

rom the prosecution ! Gen. Tracy-We object most assuredly to a postpone

contemplated that the case would be disposed of as your Honor has disposed of it, and hence we are not prepared and Gen. Mitre, who, with his officers and soldiers, able that I nope we will be excused for relying upon t: so if your honor will set an hour for the presentation

of the affidavits—
The Court-Well, let it be I o'clock.
The ladies at once left the court in a body. Mr. Moniton and Mr. Titton went away to complete, and were

ollowed by Judge Fullerton.
At 1 c'clock these interested in the case again gathered within the bar. The proceedings were opened by ex-Indee Pollecton, who read the following utilitavits as

AFFIDAVIT OF FRANCIS D. MOULTON.

Francis D. Moulton being duly sworn, doth depose and say as follows: I am the defen tany in the above entitled Dean Proctor, is not and was not a resident state of New York, out a resident of South Frain the Commonwealth of Massachusetts, and, it she brings her sun, &." That the two foregoings have a little that there is in the companint ewith reference cities to the residence or the cit of the plaintiff or delendant. That, such examples of said complaint, my counsel, he than Lord Butler of Massachusetts, and Win, Faller, in Vice informed one limit it was radically defended. York, informed me that it was randeally of faut it did not state that the plaint of wa-come State other than the State of New-Yor come state other than the State of New-York, and that, therefore, she had no right to maintain her action. So clear were my counsel that this point was well taken that they informed me that it was unnecessary to prepare for trial, because, in their belief, the Court would refuse to entertain the cause, and come quently I have made no preparation in the way of subpounding witnesses for the trial of this action.

I further state that I have a good defense to this action upon the merits, as I am advised by my counsel and verify believe, and that it will be necessary for me to subpona a number of witnesses to prove the same.

Figures D. MOULTON.

AFF DAVIT OF EX-JUDGE FULLERTON.

AFF.DAVIT OF EX-JUDGE PULLERTON.

Win. Faillerton, being daily sworm, doth depose as follows: I am one of the counsel for the defendant in the above-entitled action, and Benjamin F. Butter of Boston is associate counsel. Soon after the service of the complaint in said action said Butler visited New York and conferred with me in regard to the case: that upon examination of the complaint we came to the conclusion that the plaintiff had no standing in court, and that the case would undoubtedly be dismissed upon the simple inspection of the complaint itself by the Court. That we made a careful examination of the authorities on the subject, embracing many decisions of the Supreme Court of the United States, as well as decisions of the Court of the United States, as well as decisions of the Court to did not refuse jurisdiction where the allegations of citizenship were similar to those contained in the companit herein; and relying upon these authorities and the practice of the Court to dismiss the case at any stage of the proceedings, where it was evident that proper allegations of citizenship were not made, we in good faith advised our chent that he could rely upon that point and not mour any expense in his preparation for trial; and it has been for that reason, and that reason more, that no withnesses have been subpensed, and no preparation made further then to argue the question of jurisdiction. That the said Benjamin P. Batter is now in Washington, and not in a reasonal that the decision of plantiffs attorneys, and that they have contempiated an amendment to the complaint, and lave hereinbefore stated. I now informed and believe that this defect in the decisation has been brought to the attention of the action by the Court for the reason I have hereinbefore stated. I must informed and believe that this defect in the decisation has been brought to the attention of the action by the Court for the reason I have been decision of the action by the Court of the reason I have been decision of the action by the Court of t

Ex-Judge Patierton-Those are the only affidavite I propose to read, and I submit to your honor in addition thereto this suggestion . [Whether your hon